

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS
LIABILITY LITIGATION

MDL No. 2419
Dkt. No. 1:13-md-2419 (FDS)

THIS DOCUMENT RELATES TO:

All Actions

**JOINTLY PROPOSED AGENDA
FOR THE SEPTEMBER 12, 2013 STATUS CONFERENCE**

The Plaintiffs' Steering Committee, Ameridose LLC, New England Compounding Pharmacy, Inc. (through both the Trustee and counsel), and Official Committee of Unsecured Creditors (through counsel)¹ jointly propose the following agenda for the September 12, 2013 status conference:

1. Update on subpoenas and objections
 - a. Status conference before Judge Boal on September 25
2. Status of mediation efforts [Mediation Order, Dkt. No. 394]
 - a. September 23, 2013 deadline
3. Scheduling issues: PSC and other parties' positions
4. Multi-plaintiff complaints (*i.e. Adair v. NECC; Robinson v. NECC*)
5. Proposed CMO with scheduling dates
6. NECC informal production of documents
7. Form of authorizations for record retrieval
 - a. Vendor selection and methodology of medical record retrieval
8. Pending motions
 - a. Motions to Dismiss
 - i. Alaunus Pharmaceutical, LLC [Dkt. nos. 32, 34, and 95]
 - ii. Carilion Surgery Center New River Valley LLC [Dkt. no. 178]

¹ All defendants whose counsel have filed notices of appearance in the MDL were provided an opportunity to comment on the agenda.

- b. ARL's motion for protective order [Dkt. no. 276]
9. Status of bankruptcy proceedings
- a. Status of appeal from July 29, 2013 order requiring production of some patient information to Trustee, Creditors' Committee, and PSC by August 16, 2013
 - b. Status of bar date motion
 - c. August 23 hearing
10. Status of appeals

Dated: September 12, 2013

Respectfully submitted,

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*Chapter 11 Trustee for the Estate of New
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CERTIFICATE OF SERVICE

I, Kristen Johnson Parker, hereby certify that I caused a copy of the above Jointly Proposed Agenda for the September 12, 2013 Status Conference to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's system, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

Dated: September 12, 2013

/s/ Kristen Johnson Parker
Kristen Johnson Parker, BBO # 667261